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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92053594
Party	Defendant Deckers Outdoor Corporation
Correspondence Address	DECKERS OUTDOOR CORPORATION 495-A SOUTH FAIRVIEW AVENUE GOLETA, CA 93117 UNITED STATES
Submission	Motion to Suspend for Civil Action
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Date	04/25/2011
Attachments	Registrant's Response to Petitioner's Extra Brief.pdf (3 pages)(83031 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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Ugglebo Clogs, LLC,

Cancellation No.: 92053594

Petitioner,

Mark: **UGG**

v.

Registration Nos.: 3050925, 3050903,
3050902, 3050865, and 3360442

Deckers Outdoor Corporation

Registrant.

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**RESPONSE TO PETITIONER’S IMPROPER AND UNTIMELY
“SUBMISSION OF SUPPLEMENTAL EVIDENCE”**

Pursuant to 37 CFR § 2.127(a) and TBMP § 502.02(b), Registrant Deckers Outdoor Corporation (“Registrant”) respectfully requests that the Trademark Trial and Appeal Board (the “Board”) disregard the “Submission of Supplemental Evidence in Opposition to Respondent’s Motion to Suspend the Proceeding” (“Extra Brief”) as untimely. Petitioner filed its Extra Brief on April 20, 2011 – over two weeks after its deadline for filing a response to Registrant’s Motion to Suspend the Proceeding had passed. As Petitioner had already filed its response on April 5, 2011, and, “No further papers . . . will be considered by the Board,”¹ the Extra Brief should be disregarded. Furthermore, the Board will not be hampered in its decision-making in any way by such an exclusion as the evidence submitted by Petitioner in the Extra Brief, namely Registrant’s Answer and Counterclaim, has been provided to the Board by Registrant in its Reply to Opposition to Suspend the Proceeding, filed today – timely and in compliance with TTAB procedure.

CONCLUSION

For the foregoing reasons, Petitioner’s Extra Brief should be disregarded by the Board.

¹ TBMP 502.02(b). Petitioner also neglected to cite any authority to support the filing of a supernumerary brief.

Respectfully Submitted,

Dated: New York, New York
April 25, 2011

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CERTIFICATE OF SERVICE

I, Ulana Holubec, certify that on April 25, 2011, a copy of Registrant's RESPONSE TO PETITIONER'S IMPROPER AND UNTIMELY "SUBMISSION OF SUPPLEMENTAL EVIDENCE" in Ugglebo Clogs, LLC v. Deckers Outdoor Corporation (Cancellation No.: 92053594) was served on counsel via electronic mail to:

J. Derek Vandenburg
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_____/ulanaholubec/
Ulana Holubec, Esq.